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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,022	06/11/2001	Mohan Kalkunte	108339-00052	9830

32294 7590 07/26/2005

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TYSONS CORNER, VA 22182

EXAMINER

KADING, JOSHUA A

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/877,022	Applicant(s) KALKUNTE ET AL.	
	Examiner Joshua Kading	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/7/01</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,852,607, Chin.

Regarding claims 1, 5, and 9, Chin discloses, “a network switch for network communications, said network switch comprising:

a first data port interface, said first data port interface supporting at least one data port transmitting and receiving data at a first data rate (*figure 2, element 110a*);

a second data port interface, said second data port interface supporting at least one data port transmitting and receiving data at a second data rate (*figure 2, element 110b, where in col. 4, lines 4-12 it states that the various ports are connected to several different networks which are of varying speeds; for example, port 110b is connected to optical fiber network and port 110a is connected to the twisted pair network*);

a CPU interface, said CPU interface configured to communicate with a CPU (*figure 2, element 216*);

a memory management unit for communicating data from at least one of said first data port interface and said second data port interface and a memory (*figure 3, element 324*);

a communication channel, said communication channel for communicating data and messaging information between said first data port interface, said second data port interface, and said memory management unit (*figure 2, where all the elements are connected by varying communications links such as buses 205 and 214*);

a plurality of lookup tables, said lookup tables including an address resolution lookup table and a VLAN table (*figures 2 and 3, look up tables entities 320, address resolution table 310, and VLAN table 322*),

wherein one of said first data port interface and said second data port interface is configured to determine forwarding information from a flexible length header for an incoming data packet received at a port of said one of said first data port interface and said second data port interface, and is configured to determine the forwarding information by shifting the information field positions read from the flexible length header (*figure 4 as read in col. 5, lines 48-57*)."

Regarding claims 2, 6, and 10, Chin discloses, "wherein one of said first data port interface and said second data port interface is configured to determine an amount of shifting of the information field positions by reading an extended header field of the flexible length header (*col. 5, lines 48-57 as seen in figure 2*)."

Regarding claims 3, 7, and 11, Chin discloses, "wherein the second data rate is greater than the first data rate (*col. 4, lines 4-6 where the optical fiber is inherently faster than the twisted pair*), the flexible length header of the incoming data packet contains an opcode used to identify a packet type, the incoming data packet arrives at a port of the second data port interface, and the second data port interface is configured to forward the incoming data packet based on the opcode (*col. 4, lines 37-48 where the destination field is functionally equivalent to the opcode in that it identifies the type of data as unicast, multicast, or broadcast*)."

Regarding claims 4, 8, and 12, Chin discloses, "wherein said opcode identifies whether the incoming data packet is a unicast packet, a multicast packet, a broadcast packet or resulted in a destination lookup failure (*col. 4, lines 37-48*)."

### ***Response to Arguments***

3. Applicant's arguments, see REMAKS, page 9, third paragraph, filed 31 January 2005, with respect to the rejections of claims 5 and 9 under 35 U.S.C. 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

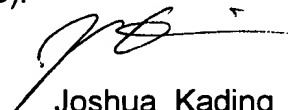
### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (571) 272-3070. The examiner can normally be reached on M-F: 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Joshua Kading  
Examiner  
Art Unit 2661

July 19, 2005

  
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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600